In the High Court of Punjab and Haryana at Chandigarh.

C.W.P.No. 19764 of 2006.
Date of Decision: 14.12.2006.

Braham Dutt

------Petitioner.

Versus

Director Haryana Institute of Public Administration, Gurgaon

-------Respondent.

Coram: Hon'ble Mr. Justice M.M.KUMAR
Hon'ble Mr. Justice M.M.S.BEDI.

Present:- Mr. P.L.Verma, Advocate, for the petitioner.

M.M.Kumar ,J.(Oral)

The prayer made in this writ petition for quashing the order dated 30.5.1995 (Annexure P-2) whereby the person junior to the petitioner are alleged to have been promoted as clerk . It has been further pleaded that the order dated 3.7.2006, dismissing the representation filed by the petitioner for promotion with effect from the aforementioned date i.e. 30.5.1995, be also quashed. It is the admitted position that the petitioner has been promoted on the post of clerk vide order dated 16.1.1998 (Annexure P-3) without raising any reason for his delayed promotion with effect from the date his alleged junior has been promoted.

It is well settled that filing of representation would not lead to accrual of a cause of action, as has been held by a Constitution Bench of Hon'ble the Supreme Court in the case of S.S.Rathore Vs. State of Madhya Pradesh AIR 1990 SC 10. Even a suit on such cause of action would not be maintainable after a period of eight years. The period of limitation prescribed for filing of a suit can

easily be imported into filing of writ petition as held by Hon'ble the Supreme Court in the case of State of Madhya Pradesh Vs. Bhailal Bhai, AIR **1964 Supreme Court 1006.**

In view of the above, the writ petition is dismissed.

(M.M. KUMAR)
JUDGE

14.12.2006. **(M.M.S. BEDI)**
Anoop **JUDGE**